EXHIBIT

1

(POLICE REPORT)

Hampton Twp. Police Dept. 989-892-0571
745 W. Center Road, Essexville Mi, USA

Incident No: 08-003631
Status: Open

Date Reported: 09/25/2008 Time Reported: 22:47

Dispatch Time: 22:47 Arrival Time: 22:57 Clear Time: 06:00

Officers: PLETZKE ESTERHAI

Classification: VIOLATION OF CONTROLLED SUBSTANCE -- (3500-1)

Location: 955 TACEY DR. Section / Nbh:

Description: VCSA Clerk: DDP

Complainant / Witness:
TOBIAS, ALEXANDREA RENEE
955 TACEY DR.
ESSEXVILLE, MI 48732
DOB: 05/25/1992
Phone: (989) 892-3962 (Main)
Race: White Sex: Female

Suspect / Owner:
TOBIAS, JOHN ANTHONY
955 TACEY DR.
ESSEXVILLE, MI 48732
DOB: 09/04/1964 Soc. Sec.: 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
Phone: (989) 415-6265 (Cell)
Ops: T 120 429 067 689 / MI FBI No: 157254EA1 SID No: 1234988X
Race: White Sex: Male Hair: Brown Eyes: Green Ethnicity: Unknown
Height: 5'09" Weight: 158 lbs. Build: Medium Complex: Dark Resident: of Community

Witness:
TOBIAS, TRAVIS JOHN
1445 N. WAGNER RD.
ESSEXVILLE, MI 48732
DOB: 06/22/1994
Phone: (989) 220-6988 (Cell)
Phone: (989) 992-0711 (Main)
Race: White Sex: Male

Property:

1) PRESCRIPTION BOTTLE - MARIJUANA SEEDS
Item No: 08-003631-021 Class: Drugs / Narcotics
Tracking: Loss Type: Seized
Type: Narcotics/Drugs
Drug Type: Marijuana

Evidence:

1) 9 Suspected Marijuana Plants
Tag No: 100306 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN
Type: Narcotics/Drugs
Drug Type: Marijuana
Gross Weight: 9.00 Number of Plants

2) 3 Marijuan Plants
Tag No: 100307 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN
Type: Narcotics/Drugs
Drug Type: Marijuana
Gross Weight: 3.00 Number of Plants

Signed: Reviewed By: Date Printed: 09/26/2008

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Evidence (continued):

3) GATEWAY COMPUTER

Tag No: 100308 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: General Property
Make: GATEWAY
Model: GP6-350
Serial No: 0012350514

4) COMPAQ COMPUTER

Tag No: 100309 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: General Property
Make: COMPAQ
Model: 163881-004
Serial No: 1X01DCTXH47A

5) CHAMPION SINGLE SHOT SHOTGUN

Tag No: 100310 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: Firearms/Guns
Make: CHAMPION Type: Shotgun, Single-Shot [SS]
Serial No: 39509

6) GREAT LAKES CROSS BOW

Tag No: 100311 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: General Property
Make: GREAT LAKES
Serial No: 001997027811

Notes: WITH NIKE SCOPE

7) WHITE STRAINER CONTAINING MARIJUANA

Tag No: 100312 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: Narcotics/Drugs
Drug Type: Marijuana

8) 49 .12 GAUGE SHOTGUN SHELLS AND CASE

Tag No: 100313 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: General Property

9) 4 MARIJUANA STEMS

Tag No: 100314 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: Narcotics/Drugs
Drug Type: Marijuana
Gross Weight: 4.00 Number of Plants

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Evidence (continued):

10) CROSSMAN AIR GUN WITH SCOPE

Tag No: 100315 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: Firearms/Guns
Make: CROSSMAN Type:
Model: AIRGUN Caliber: Barrel Length: Shots:
Serial No: 482221881

11) 17 MARIJUANA PLANTS AND ROOTS

Tag No: 100316 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: Narcotics/Drugs
Drug Type: Marijuana
Gross Weight: 17.00 Number of Plants

12) SMALL AMOUNT OF MARIJUANA

Tag No: 100317 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: Narcotics/Drugs
Drug Type: Marijuana

13) 2 PAIR OF SCISSORS & AT & T CELLPHONE

Tag No: 100318 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: General Property

14) VERIZON CELLPHONE (JOHN'S)

Tag No: 100319 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: General Property

15) GREEN FURIO PLATE WITH MARIJUANA RESIDUE & ROACHES

Tag No: 100320 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: Narcotics/Drugs
Drug Type: Marijuana

16) 4 MARIJUANA ROACHES

Tag No: 100321 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: Narcotics/Drugs
Drug Type: Marijuana
Gross Weight: 4.00 Dosage Units / Items

17) WHITE HEAT LAMP, BULB AND POWER BOX

Tag No: 100322 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: General Property
Make: SUMLIGHT SUPPLY, INC.
Serial No: 0730200311316227

Evidence (continued):

18) **30 CALIBER ARMOUR PIERCING SHELLS, BLUE CONTAINER .17CAL AMO**

Tag No: 100323 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: General Property

Notes: RED NYLON BAG WITH .20 SHOTGUN SHELLS
PACKAGE OF HMR CASINGS .17 CAL

19) **PELOUZE DIGITAL SCALE**

Tag No: 100324 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: General Property
Make: PELOUZE
Model: PE5 DC-3704

20) **SMALL AMOUNT OF MARIJUANA LEAVES**

Tag No: 100325 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: Narcotics/Drugs
Drug Type: Marijuana

21) **EMPTY MEIJER PRESCRIPTION BOTTLE NICHOLE GERHARDT**

Tag No: 100326 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: General Property

22) **GREEN MARIJUANA PIPE WITH ASHES**

Tag No: 100327 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: General Property

23) **BLUE & GOLD METALLIC PIPE**

Tag No: 100328 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: General Property

24) **2 FINGER NAIL CLIPPERS**

Tag No: 100329 Category: Evidence Submitted on: 09/25/2008
Tracking: Loss Type: Seized Submitted by: LT. WEDDIN

Type: General Property

Original Narrative:

SUBMITTED BY:
Officer Nicholas Pletzke #021
Hampton Township Police Department

VENUE:
955 Tacey Drive
Essexville, Hampton Township, Bay County, Michigan

Original Narrative (continued):

DATE/TIME:

26th of September, 2008 at approximately 10:48 p.m.

SYNOPSIS:

On the above listed date and time, I was dispatched to the above address for father daughter domestic. After arriving on scene, I made contact with John Tobias. I advised him that we were here to talk with his daughter. He asked what for. I replied due to an argument that they were having. John then yelled upstairs to his daughter Alexandrea. Upon making contact, I observed her to be visibly upset and crying. I interviewed her at my patrol car.

INTERVIEW OF COMPLAINANT/ VICTIM (ALEXANDREA RENEE TOBIAS), on 09-26-2008 next to my patrol car. She gave the following information.

--- After school I went to my boyfriends house.

--- My dad called me and said that I needed to come home right now.

--- He then started to yell at me over the phone because I supposedly put minutes on my phone with his debit card.

--- I did not do no such thing.

--- I came home and went right up stairs.

--- He followed me upstairs.

--- He started to yell at me again.

--- He went downstairs and came back up shortly after with the phone bill.

--- We started to argue again.

--- He was asking me if I called my mother and what did I tell her.

--- I told him that I told her everything.

--- I told her about the weed growing and everything.

--- He started to kick and punch the walls.

--- He then kicked me in the butt and hit me across my face with a pillow.

--- He grabbed my arm and twisted it.

--- Now my arms hurts and I am bleeding.

Original Narrative (continued):

--- He told me to pack all of my shit tonight.

--- He then told me that I was not going to school tomorrow because I was leaving to go live with my mother.

--- He left my room and I called you guys.

ADDITIONAL INFORMATION:

After speaking with Alexandrea, I made contact with John at his front door. I advised him that his daughter would like to go and stay at her boyfriends friends house tonight. At first John stated that he would rather that she did not. After rethinking about it, he stated that he would allow it. Alexandrea asked if I could follow her upstairs and stand by while she packed some belongings. Upon entering the residence, I could smell a strong odor of what appeared to be marijuana. As I was walking up the stairs, the odor became stronger. As I passed the first bedroom, I observed a male subject, identified as Travis Tobias sleeping.

As Alexandrea was gathering some belongings, Travis woke up and walked out of his bedroom. He stated "your going to want to see this pointing to the bathroom door. He then walked over to it and opened it revealing in contents in plain view. I observed what appeared to be marijuana plants growing in the bathroom.

Upon observing the above, I yelled down to Officer Esterhai stating to grab onto John. Due to Officer Esterhai's position outside the residence, he was unable to hear me clearly. As I proceeded down stairs to assist Officer Esterhai, I observed Officer Esterhai foot chasing John westbound from his residence.

I then returned back into the residence to secure it. I advised Alexandrea and Travis to come downstairs where they were put in the back seat of my patrol car for safety. I then advised dispatch of the situation and asked for additional units to respond. K9 unit Trooper Escott arrived on scene sometime later to track John. Tracking was unsuccessful.

DHS was called in for the welfare of the children. DHS later turned the children over to their grandfather. K9 unit attempted a second track, but again was unsuccessful.

WITNESS STATEMENT FORMS:

See attached statements from Alexandrea and Travis.

SEARCH WARRANT:

At approximately 3:00 a.m., I met with Prosecuting attorney Kurt Asbury to obtain a search warrant on the residence. At approximately 3:44 a.m., I met with Judge Kelly to sign the warrant. At approximately 4:00 a.m. I returned to the residence to execute the search warrant. At this time Officer Esterhai, Dobbyn, and myself entered the residence through the front garage door. We searched the garage which is a single car attached with finding no contraband. We then entered a small entry way which led to the main area of the kitchen and living room. As I was checking the cupboards I located two small amounts of suspected marijuana underneath the kitchen sink. The marijuana was then gathered and placed into an evidence bag at the scene. A picture was taken before the marijuana was removed. As we were all in the kitchen, a dog was chewing on a suspected marijuana stem, this also was placed into evidence with two other stems that were on the living room floor. We then entered a bedroom which appeared to be the master bedroom of

Original Narrative (continued):

the residence. At this time officer Esterhai began searching a clothing dresser. On the top right hand side of the dresser he located a digital scale, two marijuana pipes, a small amount of marijuana, prescription bottle containing marijuana seeds, two finger nail clippers, and a small amount of marijuana leaves. Pictures of these were taken, the items were confiscated and placed into evidence bags.

While searching the bedroom we located approximately 17 marijuana plants and stems/roots on top of the bed underneath the bed comforter. Also laying next to the plants and stems was a white strainer containing marijuana buds. These items were confiscated and placed into evidence bags. Also confiscated was a crossbow, shotgun, and bb gun that were laying in the corner. Ammunition of different calibers were confiscated from a bedroom dresser.

Once in the living room we located a green plate that was sitting on top of the computer desk that contained a small amount of marijuana with roaches. Pictures were taken of these and then placed into evidence bags. Two computer towers were also confiscated. We then went upstairs and located nine marijuana plants that were growing in buckets along with a heat lamp and power invertor in a bathroom. Pictures were taken of these prior to removal. We then confiscated the plants and left the buckets.

Once the house was cleared when then went into the backyard and searched an outbuilding. We located three marijuana plants inside and confiscated them. Pictures were taken prior to removal. Once all the evidence was collected and secured, a copy of the search warrant was placed on the kitchen table. The house was secured.

EVIDENCE:

Once as the station, all of the evidence was removed from the patrol vehicles. Photographs were again taken of the evidence, as well as a tabulation conducted. Officer Esterhai filled out the tabulation sheet and I photographed all of the evidence. See attached photographs.

ARRESTED:

On 09-26-2008 Lt. Wedding and I arrived at the residence for follow up. As we were walking up to the residence, I heard what sounded like a window closing. I went to the back of the residence. As I was standing there, John's dog jumped out an open window and began running around. I advised the dog to "find him, find him." The dog took off towards the ditch line to the rear of the residence. The dog the began running back and forth on the ditch line. I observed John to be hiding up against a tree at the bottom of the ditch. I ordered John to put his hands up and walk towards me slowly.

Lt. Wedding then placed John under arrest. He was handcuffed behind his back. The cuffs were checked for tightness and double locked. John was placed in the rear of patrol car 7-6.

INTERVIEW OF SUSPECT (JOHN ANTHONY TOBIAS):

See attached supplemental report from Lt. Wedding.

PHOTOGRAPHS:

See attached

STATUS: tot Prosecutor

Original Narrative (continued):

Officer Nicholas Pletzke #021
Hampton Twp. Police Dept.

SUPPLEMENT REPORT, dated 09/26/08, by Officer ESTERHAI:

INFORMATION:

On September 25th, 2008, at approximately 10:47 p.m., Officer Pletzke and I were dispatched to 955 Tacey Dr. for a father daughter domestic. On scene we met with the father, John Tobias, and his daughter, Alexandria Tobias. Alexandria was visibly upset and crying, Officer Pletzke spoke with her near his patrol car while I spoke with John outside his residence.

John stated he found out today that Alexandria had taken his credit card and bought minutes for a prepaid cell phone without his knowledge. John stated he confronted her and that a scuffle ensued. John stated that he never grabbed or touched Alexandria but that he did hit her with a pillow.

After a couple of minutes, Officer Pletzke and Alexandria returned. Alexandria asked if she could go to her boyfriends house for the night to let things cool off. At first John stated no but decided that she could go for the night. Alexandria then asked if Officer Pletzke could walk with her to her bedroom while she gathered some items for the night. I then remained outside with John while Officer Pletzke went inside the residence with Alexandria. After a couple of minutes I could hear Officer Pletzke yelling down to me. At this time I could not understand what he was saying. Officer Pletzke stated in a loud voice to "Grab onto him!" John immediately took off running westbound from his residence. I pursued John yelling at him to stop running. John continued to run through a garden that contained corn stalks. While chasing after John, I slipped on the ground and lost sight of him. I then radioed to central dispatch to get additional units to this location. After several minutes, Officer Dobbyn EPSD, and Deputy Smithers BCSO,arrived to help set up a perimeter. I ordered several times for John to come out with his hands up, but got no response.

At this time Officer Pletzke advised me of the marijuana plants inside the residence. Officer Pletzke stayed and secured the house while I looked for John. K9 unit Trooper Escott of MSP arrived on scene to track John. After several minutes, Trooper Escott was unable to find John.

After not being able to locate John I returned to the house to secure it while Officer Pletzke made another attempt to find John with K9. After another unsuccessful attempt, Officer Dobbyn and I secured the house while Officer Pletzke went and obtained a search warrant for the residence.

EXECUTION OF SEARCH WARRANT:

At approximately 4:00 a.m. Officer Pletzke returned with a signed warrant from Judge Kelly. At this time Officer Pletzke, Dobbyn, and myself entered the residence through the front garage door. We searched the garage which is a single car attached with finding no contraband. We then entered a small entry way which leads to the main area of the house of the kitchen and living room. At this time two small amounts of suspected marijuana were found underneath the kitchen sink. The marijuana was then gathered and placed into an evidence bag at the scene. A picture was taken before the marijuana was removed. As we were all in the kitchen, a dog was chewing on a suspected marijuana stem, this also was placed into evidence with two other stems that were on the living room floor. We then entered a bedroom which appeared to be the master bedroom. At this time I began searching a clothing dresser. On the top

SUPPLEMENT REPORT, dated 09/26/08, by Officer ESTERHAI (continued):

right hand side of the dresser I located a digital scale, two marijuana pipes, a small amount of marijuana, prescription bottle containing marijuana seeds, two finger nail clippers, and a small amount of marijuana leaves. Pictures of these were taken, the items were confiscated and placed into evidence bags.

While searching the bedroom we located approximately 17 marijuana plants and stems/roots on top of the bed underneath the bed comforter. Also laying next to the plants and stems was a white strainer containing marijuana buds. These items were confiscated and placed into evidence bags. Also confiscated was a crossbow, shotgun, and bb gun that were laying in the corner. Ammunition of different calibers were confiscated from the bedroom from a dresser.

Once in the living room we located a green plate that was sitting on top of the computer desk that contained a small amount of marijuana with roaches. Pictures were taken of these and then placed into evidence bags. Two computer hard drives were also confiscated. We then went upstairs and located nine marijuana plants that were growing in buckets along with a heat lamp and power invertor in a bathroom. Pictures were taken of these prior to removal. We then confiscated the plants and left the buckets.

Once the house was cleared when then went into the backyard and searched an outbuilding. We located three marijuana plants inside and confiscated them.

DISPOSITION:

TOT Prosecutors Office.

INTERVIEW WITH SUSPECT, dated 09/26/08, by Officer LT. WEDDING:

INTERVIEW WITH SUSPECT: John Tobias

On 9-26-08, I went with Officer Pletkze to 995 Tacey Dr. for a follow up. While at the residence, we met with a BRIAN MORGAN who was leaving the residence. We inquired if JOHN TOBIAS was there and he replied that he wasn't. After speaking with MORGAN, we noticed that it appeared that TOBIAS had returned to his residence at some point, When we went around to the back of the house we observed two back windows open. We observed a dog in the window and the dog jump outside. Officer Pletzke began telling the dog to "find him". The dog went along the edge of a ditch (north side) which is located to the south of residence. Officer Pletzke then spotted TOBIAS down in the ditch and gave him verbal instructions to come up. TOBIAS complied and came out of the ditch. He was then placed under arrest and handcuffed at 7:50am. As we were walking to patrol vehicle he asked if he could sit at the picnic table and be with his dog for a minute. After he sat down, I read the miranda rights (7:53am) at which he waived. [It should be noted that I had attempted to turn on my in-car camera system microphone before this but didn't realize I hadn't activated the on switch] Upon realizing this, I activated the in-car camera system microphone and recorded the interview. During the interview JOHN disclosed the following:

He and his daughter got in an argument about her using his Visa Debit card for cellphone minutes.

She wasn't being truthful with him when confronted about it.

At one point, he hit her with a pillow.

He denied hitting her with anything else.

INTERVIEW WITH SUSPECT, dated 09/26/08, by Officer LT. WEDDING (continued):

He has struggled with raising the teens.

Wouldn't do it again.

He is poor.

Gets assistance each month, food stamps and child support.

Money doesn't mean much to him.

As far as growing the weed, [I asked if it was all his] he initially replied "no"

[When asked if it's his house] he replied "yea".

Commented about finding papers and lighter that TRAVIS had.

Talked about options of doing things right or not.

Admitted the marijauna was his and he grew it for personal use only; medicinal reasons for his pain.

He has rods in his back and has medication he takes that has turn him into a vegetable.

The medication is Vicodin and Xanax.

He has been growing marijuana since he was a teenager.

He doesn't sell it to anyone, only uses it for himself.

Commented about the neighbors doing that.

Figures he grew about a pound and it would last him for a year.

The shotgun was his, the BB gun was the landlords, the Crossbow was his, the scale was his, the cellphones are his, the ammo is his.

He uses the scale for weight loss, denied using it for measuring and selling marijuana.

LODGED IN JAIL:
I transported TOBIAS to the Bay County Jail where he was lodged. His prescriptions (2) and wallet was turned over to jail personnel. He had no money in his possession.

STATUS:
TOT to the Prosecutor